

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY LEVY, an individual,

Plaintiff,

v.

GOOGLE LLC, a California company,

Defendant.

Case No. 2:23-cv-01678-BJR

STIPULATED MOTION AND ORDER TO
CONTINUE TRIAL DATE AND
ASSOCIATED DEADLINES

Pursuant to Fed. R. Civ. P. 16(b)(4), LCR 7(d)(1) and LCR 10(g), Plaintiff Gary Levy (“Levy”) and Google LLC (“Google”), file this stipulated motion for an order continuing the trial date in this case from March 10, 2025 to September 22, 2025. The parties further request the Court amend the dates set forth in the Order Setting Trial Date and Related Dates consistent with the new trial date.

Good cause exists for the continuance. The parties have scheduled mediation for November 11, 2024, and have agreed to forgo all depositions pending mediation in an effort to contain costs while the parties explore resolution.

Despite the parties’ diligence in attempting to schedule mediation, it was difficult to find dates that worked for all parties with a mutually agreeable mediator. The parties began discussing the possibility of mediation with Cliff Freed in mid-June of 2024, but were unable to secure a date

within a reasonable time frame. *See Declaration of April Upchurch Fredrickson in Support of Stipulated Motion to Continue Trial Date and Associated Deadlines* (“*Fredrickson Decl.*” at ¶ 2). The parties were making efforts to schedule mediation in September and October, but no dates were available with the parties’ preferred mediators. *Id.* The parties were finally able to schedule mediation for November 11, 2024. *Id.*

The late nature of the parties’ mediation, their agreement to forgo depositions pending mediation, and counsel’s inability to schedule trial during the summer of 2024, will result in a trial in September, 2025. All counsel and parties are available the week of September 22, 2025.

The Parties further agree that no exigent circumstances exist that would require an immediate trial, no prejudice would result from a continuance, and the interests of justice would be served by the continuance. In addition, the parties’ decision to delay costly depositions until after the parties participate in mediation will result in more efficient litigation. The parties therefore propose the following amendments to the case schedule:

Deadline	Current Deadline	Amended Deadline
Jury Trial Date	March 10, 2025	September 22, 2025
Reports from expert witness under FRCP 26(a)(2)	August 12, 2024	February 10, 2025
Discovery completed by	September 13, 2024	March 14, 2025
All dispositive motions	October 11, 2024	April 11, 2025
All motions in limine must be filed by	February 3, 2025	August 4, 2025
Joint Pretrial Statement	February 10, 2025	August 11, 2025
Pretrial Conference	February 25, 2025	August 26, 2025
Length of Jury Trial		5 days

DATED this 5th day of September, 2024.

s/April Upchurch Fredrickson

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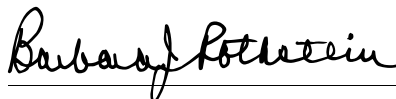
Telephone: (425) 5193656

Attorneys for Plaintiff Gary Levy

ORDER

IT IS SO ORDERED.

DATED this 6th day of September 2024.



UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory M. Skidmore
Vera P. Fomina
Mason C. Hudon
SKIDMORE FOMINA, PLLC
1800 112th Ave, Ste 270E
Bellevue, WA 98004

☐ via Hand Delivery
☐ via U.S. Mail
☐ via E-Service
☐ via Email
☒ via CM/ECF

Under the laws of the United States of America and the state of Washington, the undersigned hereby declares, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

Signed at Seattle, Washington, on September 5, 2024.

s/Elizabeth Pitman
Elizabeth Pitman, Legal Assistant

4855-9207-2920.1